



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|---|-------------|----------------------|---------------------|------------------|
| 10/015,380 | 12/12/2001 | Michael Wayne Brown | AUS920010824US1 | 2840 |
| 43307 | 7590 | 08/12/2005 | EXAMINER | |
| IBM CORP (AP) C/O AMY PATTILLO P. O. BOX 161327 AUSTIN, TX 78716 | | | HOOSAIN, ALLAN | |
| | | | ART UNIT | PAPER NUMBER |
| | | | 2645 | |

DATE MAILED: 08/12/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/015,380

Applicant(s)

BROWN ET AL.

Examiner

Allan Hoosain

Art Unit

2645

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 09 May 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-12 and 17-20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-7, 10-12 and 17-20 is/are rejected.
- 7) ☒ Claim(s) 8 and 9 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 6/8/05.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date: _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

FINAL DETAILED ACTION

Allowable Subject Matter

1. Claims 8-9 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).
4. Claims 1-7,10-12 are rejected under 35 U.S.C. 103(a) as being unpatentable over **Greene et al.** (US 6,246,759) in view of **Rogers et al.** (US 5,946,386).

As to Claims 1,5, with respect to Figures 3-7, **Uppaluru** teaches a method for controlling distribution of caller profiles comprising:

receiving a request at a premises call center gateway (central server system) accessible from a telecommunications network for call center information according to a proxy call of a caller currently on hold within a particular call center from among a plurality of call centers enabled to access said central server system (Figure 1);

locating, at said central server system, said caller profile matching said authenticated voice identifier, wherein said caller profile comprises prior on hold selections by said caller while previously waiting on hold at at least one of said plurality of call centers, wherein said prior on hold selections were transferred to said central server system (Col. 6, lines 10-15); and

distributing said caller profile to said particular call center according to said authenticated voice identifier, such that said particular call center is enabled to customize on hold services provided to said caller according to said caller profile (Col. 6, lines 10-24),

wherein said caller profile is accessible across a plurality of ACDs (call centers) according to said voice identifier for customizing on hold services provided to said caller (Col. 6, lines 10-24 and Col. 7, lines 48-55);

Greene does not teach the following limitations:

“authenticated voice identifier” and “caller profiles”

However, it is obvious that **Greene** suggests the limitations. This is because **Greene** teaches sending information elements to ACDs (Col. 4, lines 17-20). These information elements suggest the authenticating of callers using caller profiles (Col. 3, lines 40-48 and Col. 4,

Art Unit: 2645

lines 22-28). **Rogers** teaches voice identification (authenticated voice identifier) of callers and caller VIP rules (profiles) for servicing specific callers (Col. 23, lines 41-43, Col. 24, lines 32-36 and Col. 37, lines 5-15). Having the cited analogous art at the time the invention was made, it would have been obvious to one of ordinary skill in the art to add voice identification and caller profile capabilities to **Greene's** invention for verifying a caller's identity as taught by **Rogers'** invention in order to provide callers with specific personalized messages.

As to Claim 2, **Greene** teaches the method for controlling distribution of call center information according to claim 1, further comprising:

receiving an alternate request at said central server system for said call center information according to said call currently on hold within an alternate call center from among said plurality of call centers (Col. 3, lines 30-39); and

distributing said caller profile to said alternate center according to said call (Col. 3, lines 50-55);

Greene does not teach the following limitations:

“authenticated voice identifier” and “caller profiles”

However, it is obvious that **Greene** suggests the limitations. This is because **Greene** teaches sending information elements to ACDs (Col. 4, lines 17-20). These information elements suggest the authenticating of callers using caller profiles (Col. 3, lines 40-48 and Col. 4, lines 22-28). **Rogers** teaches voice identification (authenticated voice identifier) of callers and caller VIP rules (profiles) for servicing specific callers (Col. 23, lines 41-43, Col. 24, lines 32-36 and Col. 37, lines 5-15). Having the cited analogous art at the time the invention was made, it

Art Unit: 2645

would have been obvious to one of ordinary skill in the art to add voice identification and caller profile capabilities to **Greene's** invention for verifying a caller's identity as taught by **Rogers'** invention in order to provide callers with specific personalized messages.

As to Claim 3, **Greene** teaches the method for controlling distribution of caller profiles according to claim 1, further comprising:

requiring an authentication of an identifier for said particular call center with said request before distributing said caller profile to said particular call center (Figure 2A, label 42).

As to Claim 4, **Greene** teaches the method for controlling distribution of caller profiles according to claim 1, wherein said caller profile comprises at least one from among personal information, billing information, a selection of preferences while on hold, and previous product purchases (Figure 2B, label 56).

As to Claims 6,10-12, with respect to Figures 1-4, **Greene** teaches a system for controlling distribution of call center information, comprising:

a caller profile server communicatively connected to a network accessible by a plurality of call centers (Figure 1);

means for receiving a request at said caller profile server for a caller profile according to an information element (an authenticated voice identifier of a caller currently on hold) within a particular call center from among said plurality of call centers (Col. 4, lines 17-28);

Art Unit: 2645

means for locating said caller profile matching said authenticated voice identifier at said caller profile server, wherein said caller profile comprises prior on hold selections by said caller while previously waiting on hold at at least one of said plurality of call centers, wherein said prior on hold selections were transferred to said central server system (Col. 6, lines 10-15); and

means for distributing said caller profile to said particular call center according to said authenticated voice identifier, wherein said call caller profile is accessible across a plurality of call centers according to said voice identifier for customizing on hold services provided to said caller (Col. 6, lines 10-24 and Col. 7, 48-55);

Greene does not teach the following limitations:

“authenticated voice identifier” and “caller profiles”

However, it is obvious that **Greene** suggests the limitations. This is because **Greene** teaches sending information elements to ACDs (Col. 4, lines 17-20). These information elements suggest the authenticating of callers using caller profiles (Col. 3, lines 40-48 and Col. 4, lines 22-28). **Rogers** teaches voice identification (authenticated voice identifier) of callers and caller VIP rules (profiles) for servicing specific callers (Col. 23, lines 41-43, Col. 24, lines 32-36 and Col. 37, lines 5-15). Having the cited analogous art at the time the invention was made, it would have been obvious to one of ordinary skill in the art to add voice identification and caller profile capabilities to **Greene**'s invention for verifying a caller's identity as taught by **Rogers**' invention in order to provide callers with specific personalized messages.

Art Unit: 2645

As to Claim 7, **Greene** teaches the system for controlling distribution of caller profiles according to claim 6, wherein said caller profile server is communicatively connected to a PSTN network via an intranet (Col. 8, lines 11-18).

5. Claims 17-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over **Uppaluru et al.** (US 6,246,759) in view of **Rogers et al.** (US 5,946,386).

As to Claims 17,19, with respect to Figures 1-4, **Uppaluru** teaches a method for controlling distribution of call center information (caller profiles) to Pop call center gateways (call centers), comprising:

receiving a request at a premises call center gateway (central server system) accessible from a telecommunications network for call center information (a caller profile) according to a proxy call (an authenticated voice identifier of a caller) currently on hold within a call center (Col. 4, lines 30-48), wherein said request comprises a translated called party number (an identifier for said call center) (Col. 3, lines 5-21);

determining a toll-free number (subscription status) of said call center from among a plurality of toll-free numbers (call center subscriptions) according to said identifier for said call center (Col. 3, lines 5-21); and

only distributing a customized application (subscribed to portion) of said call center information (caller profile) to said call center according to said subscription status (Col. 3, lines 22-41);

Uppaluru does not teach the following limitations:

Art Unit: 2645

“authenticated voice identifier” and “caller profiles”

However, it is obvious that **Uppaluru** suggests the limitations. This is because **Uppaluru** teaches playing customized announcements to callers identified by a proxy call. These announcements suggest the authenticating of callers using caller profiles (Col. 2, lines 55-60 and Col. 8, lines 33-37). **Rogers** teaches voice identification of callers and caller VIP rules (profiles) for servicing specific callers (Col. 23, lines 41-43, Col. 24, lines 32-36 and Col. 37, lines 5-15). Having the cited analogous art at the time the invention was made, it would have been obvious to one of ordinary skill in the art to add voice identification and caller profile capabilities to **Uppaluru**'s invention for verifying a caller's identity as taught by **Rogers**' invention in order to provide callers with personalized messages.

As to Claims 18,20, **Uppaluru** teaches the method for controlling distribution of caller profiles according to claim 17, wherein said identifier for said call center is at least one from among an authenticated voice identifier, a subscription code identifier, and a line number identifier (Col. 3, lines 5-21).

Response to Arguments

6. Applicant's arguments filed in the 5/9/05 Remarks have been fully considered but are moot in view of the new grounds of rejections and the following:

With respect to Claims 17 and 19, **Uppaluru**'s ‘customized application’ is not equivalent to the claimed ‘subscribed to portion’. Examiner respectfully disagrees because **Uppaluru** teaches that the customized application is related to an advertised 1-800 number and services a customer

Art Unit: 2645

(subscriber) with appropriate prompts and menus (subscribed to portion). This teaching shows that the appropriate prompts are a portion of prompts for a respective advertisement linked to a 1-800 number.

Examiner respectfully believes that it is obvious to combine **Uppaluru** with **Rogers** to include caller profile and voice identification for the same reasons given in the 2/9/05 and instant office actions.

Examiner respectfully advises Applicants about potential double patenting rejections between the instant application and US 2003/0108162.

Also, Examiner respectfully invites Applicants to contact Examiner to discuss possible amendments for overcoming the prior art of record.

Conclusion

7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Hollenbach et al. (US 5,533,115) teach processing calls using caller accounts and routing to call centers.

Ng et al. (US 6,529,585) teach processing calls using caller voice labels.

Backaus et al. (US 5,694,459) teach using unique identifiers for processing calls and accessing caller profiles.

Art Unit: 2645

8. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

9. Any response to this final action should be mailed to:

Box AF

Commissioner of Patents and Trademarks
Washington, D.C. 20231

or faxed to:

(571) 273-8300, (for formal communications; please mark "EXPEDITED
PROCEDURE")

Or:

(703) 306-0377 (for customer service assistance)

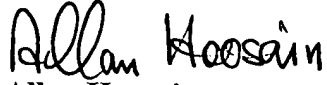
Hand-delivered responses should be brought to Carlyle, Alexandria,
VA 22313 (Receptionist).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to **Allan Hoosain** whose telephone number is (571) 272-7543. The examiner can normally be reached on Monday to Friday from 8 am to 4:30 pm.

Art Unit: 2645

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, **Fan Tsang**, can be reached on (571) 272-7547.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (571) 272-2600.


Allan Hoosain
Primary Examiner
7/26/05